

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHALLENGER HOLDINGS LLC,

Plaintiff,

23-cv-5147 (PKC)

-against-

ORDER

JETCRAFT GLOBAL (UK),  
LIMITED,

Defendant.

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CASTEL, U.S.D.J.

This action is proceeding to trial. Jetcraft Global (UK) Limited (“Jetcraft”) seeks to seal portions of PX-C (ECF 35-3) and PX-II (ECF 38-7) that plaintiff has designated as trial exhibits.

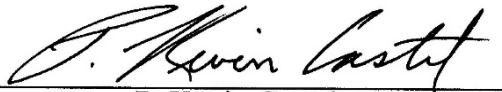
PX-C is the Aircraft Purchase Agreement (“APA”), and Jetcraft seeks to seal the representations and warranties made by the Seller and Buyer (5.1 and 5.2), as well as a disclaimer and limitation of liability provision (6.1). Jetcraft has asserted that it will be at a competitive disadvantage if potential buyers or competing sellers become aware of these provisions. Challengers Holdings LLC (“Challenger”) argues that representations are “very standard and customary in all APAs.” That some form of representations and warranties are standard and customary does not make these representations and warranties standard and customary. The same may be said of the “disclaimer and limitation of liability” in section 6.1. Because neither party has expressed the intention to rely on these three provisions as to any claim or defense in this action, trial exhibit PX-C in redacted form may be offered at trial and

no use of unredacted PX-C will be permitted. Unredacted PX-C will not be part of the trial record and will not be considered by the Court.

PX-II (ECF 38-7) is a series of internal Jetcraft emails from February 2023. Jetcraft and Challenger have agreed to certain redactions to the exhibit that are not relevant to the parties' dispute. Jetcraft has explained the competitive harm to it from disclosure of the unredacted version. The Court will only allow the parties to utilize or offer PX-II in redacted form and no use of unredacted PX-II will be permitted. Unredacted PX-II will not be part of the trial record and will not be considered by the Court.

On May 30, 2024, the Court directed the parties to show cause in writing within 14 days why all proposed trial evidence ought not be unsealed and available on the public docket. The Court has received argument regarding only the aforementioned exhibits (ECF 35-3 and 38-7). ECF 35-3 and ECF 38-7 shall remain sealed. The redacted versions of PX-C and PX-II shall be filed on the public docket on ECF. The Clerk of Court is respectfully directed to unseal docket entries at ECF 35 and 38 except for ECF 35-3 and 38-7.

SO ORDERED.

  
P. Kevin Castel  
United States District Judge

Dated: New York, New York  
March 25, 2024